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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,351

06/07/2006

Eiji Muramatsu

8048-1153

9236

466 7590 08/17/2009  
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EXAMINER

VERDERAME, ANNA L

ART UNIT

PAPER NUMBER

1795

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DELIVERY MODE

08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,351	<b>Applicant(s)</b> MURAMATSU ET AL.	
	<b>Examiner</b> ANNA L. VERDERAME	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/21/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment filed on 04/21/2009 has been carefully considered. A response is presented below.

#### ***Claim Objections***

1. Claim 15 objected to because of the following informalities: The examiner suggests changing the amended portion of the claim to make the claim clearer. The amended portion should be amended to recite “and further wherein (IV) said first recording layer..., and said second recording layer”. This is a suggested change, but any similar change would be acceptable. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lee et al. US 2004/0125738 in view of Narumi et al. US 2003/0185121 and Lee et al. US 2005/0013223(Lee et al. ‘223).

In figure 5 Lee et al. discloses an optical recording medium that reads on claims 15 and 17- 18. The disc control data zone corresponds to applicant’s control information area. The defect management zone corresponds to applicant’s space

recited in claim 18. Address information of defects is written in the defect management zone(0049-0050). See figure 2 for illustration of recording/reproducing path.

The disc shown in figure 6B meets the limitations of claims 15, 16, and 18. In figure 6B the disc-related information areas correspond to the areas which are recorded in advance recited in instant claim 16(0051-0052). Address information of defects is written in the defect management zone. Section 0042 discusses the disc-related information areas(reproduction only areas). Reproduction only areas may include pre-pit areas(0068 and claims 16 and 18).

The discs of figure 5 and figure 6B do not have test writing areas in the first and second layer which are completely or partially out of overlap.

Narumi et al. discloses offset test areas in dual layer optical recording media(0197 and figure 14). The examiner notes that in Narumi et al. the test areas are opposite reproduction-only (ROM) areas.

Lee et al. '223 discloses an optical recording medium wherein the test areas are out of overlap and reserved areas are formed in the opposite recording layer facing the respective test areas(see for example figure 2 and description at 0031-0033). The reserved areas are unrecorded. Lee et al. discloses that the invention seeks to minimize the influence of OPC executed in an OPC area included in each of a plurality of recording layer upon the other information recording layers(0013).

It would have been obvious to offset the test areas in the first and second layers of the media taught by Lee et al. based on the example of Narumi et al. and with the reasonable expectation of forming a useful optical recording media. Further, it would

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have been obvious to modify the disc to include reserved/unrecorded areas opposite each of the test areas based on the disclosure of Lee et al. '223 and with the reasonable expectation of minimizing the influence of testing executed in one layer upon the other information layers.

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 15-18 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection was necessitated by applicant's amendment.

Applicant recites that the unrecordable area is provided for reasons described in section (0133) of the applicant's specification. This is the same benefit obtained by the reserved areas taught by Lee et al. '223.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA L. VERDERAME whose telephone number is (571)272-6420. The examiner can normally be reached on M-F 8A-4:30P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571)272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark F. Huff/  
Supervisory Patent Examiner, Art Unit 1795

/Anna L Verderame/  
Examiner, Art Unit 1795